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REMARKS

This application has been carefully reviewed in light of the Office Action dated January 10, 2008. Claims 29 to 32 are in the application, of which Claims 29 and 31 are independent. Reconsideration and further examination are respectfully requested.

The Office Action entered rejections of now-cancelled Claims 1 to 3 and 6 to 28 under 35 U.S.C. § 103(a), primarily over cited patents to Metz, Hu, Williams, Chebroly, Beaser and Yoshida. In entering these rejections, the Office Action took the position that the cited art showed communication between devices over a digital cable network that distributed television signals, despite the fact that the art in fact discloses only communications between a set top box (STB) and a PC over a network that is decidedly not a digital cable network. Applicants maintain their position that the rejection under § 103(a) was entered improvidently, and therefore continue to traverse it.

Nevertheless, in the interest of advancing prosecution, all claims herein have been cancelled, and new Claims 29 to 32 substituted therefor. Cancellation is without prejudice or disclaimer of subject matter, and without conceding the correctness of the rejection. Rather, and as indicated above, Applicants maintain their traversal of the rejection.

New Claims 29 to 32 are directed to secure communication over a digital cable network system. As explained in example embodiments of the claims, such as those disclosed in Figures 9A and 9B, there is a determination as to whether data will be

transferred by referential transfer or by direct transfer, and a determination of whether a secure pipe will or not be used.

Thus, as set out in independent Claims 29 and 31, there is a determination at the sending component of a manner of transfer, wherein the manner of transfer is selected from a group consisting of all of (i) a referential transfer using a secure pipe, (ii) a referential transfer not using a secure pipe, (iii) a direct transfer using a secure pipe, and (iv) a direct transfer not using a secure pipe. A message is transferred from the sending component to the receiving component, wherein the message includes the determination result, i.e., the message includes the manner of transfer. Responsive to a determination that the manner of transfer is a referential transfer, the sending component uploads the communication data to a predetermined location on a secure server. On the other hand, responsive to a determination that the manner of transfer is a direct transfer, then the sending component transfers the communication data to the receiving component via direct communication. In addition, when the manner of transfer is determined to use a secure pipe, the transferring step and the uploading step control communication by using a secure socket layer protocol.

The applied art is not seen to disclose or to suggest at least the determining step as set forth in independent Claims 29 and 31, in which a manner of transfer is selected from a group consisting of all of (i) a referential transfer using a secure pipe, (ii) a referential transfer not using a secure pipe, (iii) a direct transfer using a secure pipe, and (iv) a direct transfer not using a secure pipe.

As a consequence, the applied art is also not seen to disclose or to suggest the transfer of a message, from a sending component to the receiving component, which includes the determination result, i.e., the message includes the manner of transfer.

It is therefore respectfully submitted that the claims herein define subject matter that is neither anticipated by, nor would have been obvious from, the art applied against the claims.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office by telephone at (714) 540-8700. All correspondence should be directed to our address given below.

Respectfully submitted,



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